

RESOLUTION NO. 2019-65

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A
SETTLEMENT BETWEEN THE VILLAGE AND
MARCELO VILCHES; PROVIDING FOR
AUTHORIZATION; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, Marcelo Viches ("Mr. Vilches") was employed by the Village of Key Biscayne ("Village") in the Village's Public Works Department from May 5, 2014 until his termination of employment on March 17, 2015; and

WHEREAS, on or about August 30, 2015, Mr. Vilches filed a complaint against the Village in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, styled *Marcelo Vilches v. Village of Key Biscayne*, Case No. 15-019987-CA-01 (the "Lawsuit"), alleging workers' compensation retaliation in violation of F.S. 440.205; and

WHEREAS, the Village denies the allegations asserted in the Lawsuit; and

WHEREAS, the Village and Mr. Vilches, through their respective representatives, have engaged in discussions and negotiations to attempt to settle the Lawsuit; and

WHEREAS, Mr. Vilches is willing to sign a Settlement Agreement and General Release (attached hereto as Exhibit "1") extinguishing any and all claims including, but not limited to, his workers' compensation retaliation claim and all past and present claims related to his employment with the Village, together with any costs and/or attorney's fees, in exchange for a lump-sum payment of \$5,000.00 (funds that will be provided by insurance); and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF
THE VILLAGE OF KEY BISCAYNE, FLORIDA AS FOLLOWS:**

Section 1. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. That the Village Council approves the settlement of all claims that were or could have been asserted by Mr. Vilches, including costs and attorney's fees, for the lump sum of \$5,000.00 (funds that will be provided by insurance).

Section 3. That the appropriate Village officials are authorized to execute all documents deemed necessary by the Village Attorney to implement the intent of this Resolution.

Section 4. That this Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 29th day of October, 2019.

ATTEST:


JENNIFER MEDINA, CMC
VILLAGE CLERK


MICHAEL W. DAVEY, MAYOR



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


VILLAGE ATTORNEY